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12 Attorneys for Defendant
13 FEDERAL DEPOSIT INSURANCE CORPORATION
14 AS RECEIVER OF UNITED COMMERCIAL BANK

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THOMAS S. WU,

Plaintiff,

vs.

FEDERAL DEPOSIT INSURANCE
CORPORATION, in its capacity as receiver of
United Commercial Bank, and FEDERAL
DEPOSIT INSURANCE CORPORATION, in its
corporate capacity,

Defendants.

Case No. CV10-4085 JSW

**SECOND STIPULATION AND
PROPOSED ORDER CONTINUING
PRETRIAL DEADLINES BASED ON
CONDITIONAL SETTLEMENT**

STIPULATION

WHEREAS on March 15-16, 2011, the Parties attended mediation with Hon. Daniel Weinstein (Ret.). The mediation involved multiple claims arising from the failure of United Commercial Bank ("UCB"), including Thomas Wu's claims against the Federal Deposit Insurance Corporation in its capacity as receiver of UCB (the "FDIC"), and the FDIC's claims against Mr. Wu.

1 The parties reached a conditional settlement. The parties are still negotiating the terms and
2 conditions of a final agreement;

3 WHEREAS the parties believe that it would promote efficiency and the conservation of the
4 Court's and the parties' resources to continue pretrial deadlines while the settlement is being
5 finalized;

6 THEREFORE, the parties, through their respective counsel of record, hereby agree and
7 stipulate that:

8 1. The FDIC's responsive pleading deadline shall be continued from May 31, 2011 to
9 July 29, 2011; and

10 2. The Case Management Conference and all attendant matters – including the filing of
11 the joint Case Management Statement and Rule 26(f) Report, and the serving of the parties' initial
12 disclosures under Rule 26(a) – shall be continued until after July 29, 2011 on a date to be set by the
13 Court.

14 Dated: May 23, 2011

NIXON PEABODY LLP

17 By /s/ Gina Fornario

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Gina Fornario
*Attorneys for Defendant Federal Deposit
Insurance Corporation, as receiver of
United Commercial Bank*

Dated: May 23, 2011

LATHAM & WATKINS LLP

By /s/ Timothy Crudo

Timothy P. Crudo
Attorneys for Plaintiff Thomas S. Wu

PROPOSED ORDER

The Case Management Conference currently scheduled for June 10, 2010, is hereby continued to August 12, 2011. The parties shall meet and confer and file a Joint Case Management Statement and exchange initial disclosures pursuant to FRCP 26(a) on or before August 5, 2011.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 24, 2010

Jeffrey S White
Hon. Jeffrey S. White